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May 2, 2012

VIA ELECTRONIC MAIL

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 22210

Re: MUR 6541

Dear Mr. Jordan:

Kenny Marchant for Congress (the "Committee"), through counsel, hereby responds to the complaint designated MUR 6541 alleging violations of the Federal Election Campaign Act, as amended (the "Act"). The complaint, filed by Congressman Marchant's opponent in the May 29 primary election, is nothing more than a fishing expedition intended to generate press coverage for a flagging campaign desperate for attention. It does not provide sufficient evidence for the Federal Election Commission (the "Commission") to make a "Reason to Believe Finding" that the Committee violated the Act, and the amount in question is sufficiently negligible that expending additional Commission resources to investigate this matter would be a waste of the Commission's time and taxpayer funds. We therefore respectfully urge the Commission to dismiss this matter without further action.

Mr. Stinchfield's complaint centers on the allegation that Jordan Schirman did not disclose his legal name when he paid \$40 to play in a golf tournament sponsored by Stinchfield for Congress.¹ While that may be true, the inclusion of the Committee as a respondent in the

¹ In the complaint, Mr. Stinchfield fails to explain how his campaign was able to provide its donors a round of golf at an exclusive, private golf club with a cart, lunch, and beverages for only \$40. The fair market value of a round of golf at Brookhaven Country Club, a cart, lunch, and beverages certainly exceeds \$40, yet Stinchfield for Congress did not report either a payment to the country club or an in-kind contribution to cover the apparent loss for holding

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complaint rests solely on the circumstantial evidence that Mr. Schirman has a friend employed by the Committee. That connection would not be enough evidence to justify an investigation of Mr. Schirman's other Facebook friends and their respective employers, and it is no more justifiable to take further action against the Committee.

It is also worth noting that Commission regulations permit a committee to accept contributions from anonymous sources in an amount not to exceed \$50. See 11 C.F.R. 110.4(c)(3). While Mr. Stinchfield has expended a considerable amount of time and resources to scrape together circumstantial evidence and innuendo to allege a violation of 2 U.S.C. § 441f, it may be more appropriate to view this transaction through the lens of an anonymous contribution. In fact, in the era of online credit card transactions and incessant fundraising solicitations, providing a false name for a low-dollar contribution could be an attempt to shield one's self from being bombarded with campaign materials, not to make a contribution in the name of another.

The complaint, in and of itself, does not provide a legally or factually sufficient basis for the Commission to make a "Reason to Believe Finding" that the Committee violated the Act. Regardless, expending additional Commission resources to investigate this matter would be a waste of the Commission's time and taxpayer resources, particularly in light of the amount of the contribution in question. We therefore urge the Commission to exercise its prosecutorial discretion and dismiss this matter without further action.

Thank you for your consideration of this matter. If you require additional information, or if I can be of any assistance, then I can be reached at (214) 842-6825.

Sincerely,



Chris K. Gober
Counsel, Kenny Marchant for Congress

this fundraising event. If anything, the Commission should be investigating whether Stinchfield for Congress knowingly and willfully violated the Act by accepting an illegal in-kind corporate contribution from the corporation that owns Brookhaven Country Club.

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